

IT IS HEREBY ADJUDGED  
and DECREED this is SO  
ORDERED.



1 **TIFFANY & BOSCO**  
2 P.A.  
3 **2525 EAST CAMELBACK ROAD**  
4 **SUITE 300**  
5 **PHOENIX, ARIZONA 85016**  
6 **TELEPHONE: (602) 255-6000**  
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Dated: June 08, 2010

*Sarah Curley*  
SARAH S. CURLEY  
U.S. Bankruptcy Judge

Mark S. Bosco  
State Bar No. 010167  
Leonard J. McDonald  
State Bar No. 014228  
Attorneys for Movant

09-28949

10 **IN THE UNITED STATES BANKRUPTCY COURT**  
11 **FOR THE DISTRICT OF ARIZONA**

12 IN RE:

No. 2:09-BK-28059-SSC

13 John Francis MCavoy and Kathleen Gail MCavoy  
14 Debtors.

Chapter 7

15 U.S. Bank National Association, as Trustee for  
16 CMLTI 2007-AR5  
17 Movant,

ORDER

18 vs.  
19 John Francis MCavoy and Kathleen Gail MCavoy,  
20 Debtors, Lothar Goernitz, Trustee.

(Related to Docket #31)

Respondents.

21  
22 Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed  
23 Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any,  
24 and no objection having been received, and good cause appearing therefore,

25 IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed  
26

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real  
2 property which is the subject of a Deed of Trust dated October 17, 2006 and recorded in the office of the  
3 Maricopa County Recorder wherein U.S. Bank National Association, as Trustee for CMLTI 2007-AR5 is  
4 the current beneficiary and John Francis MCavoy and Kathleen Gail MCavoy have an interest in, further  
5 described as:

6 Lot 10, of PARCEL 6A AT THE FOOTHILLS, according to the Plat of record in the office of the  
7 County Recorder of Maricopa County, Arizona, recorded in Book 398 of Maps, Page 25 and  
Affidavits of Correction recorded as 96-0087987 and as 96-0154106, both of Official Records.

8 EXCEPT all oil, gases and other hydrocarbon substances, helium or other substances of a gaseous  
9 nature, coal, metals, minerals, fossils and fertilizers of every name and description, TOGETHER  
10 WITH all uranium, thorium, or any other material which is or may be determined by the laws of  
the United States or of this State, or decisions of courts to be peculiarly essential to the production  
of fissionable materials, whether or not of commercial value and the exclusive right thereto, on, in  
or under the above described lands, shall be and remain and are hereby reserved in and retained by  
the State of Arizona in Patent recorded in Docket 15392, Page 317.

12 IT IS FURTHER ORDERED that Movant may contact the Debtors by telephone or written  
13 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance  
14 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement  
with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against  
15 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

17 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter  
18 to which the Debtor may convert.